

Application No.: 10/088,904  
Reply to Office Action of: October 3, 2003  
Amendment Dated: March 3, 2004

**REMARKS**

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **amended Claim 1** relates to a graft copolymer (G) which is prepared by emulsion graft polymerization of

**a rubber polymer comprising 1-40% by weight of a butadiene unit and 60-100% by weight of a (meth)acrylate unit, and**

at least one monomer selected from the group consisting of an aromatic alkenyl compound, a methacrylate, an acrylate and a vinyl cyanide compound, said graft copolymer containing 0.5-2.0% by weight of an emulsifier residue.

**Amended Claim 10** relates to a method of preparing a graft copolymer (G). Notably, **a rubber polymer comprising 1-40% by weight of a butadiene unit and 60-100% by weight of a (meth)acrylate unit** is emulsion graft polymerized.

In contrast, Gallagher discloses the use of butadiene (col. 3, line 40) in a copolymer with vinyl chloride (col. 3, lines 14-17). However, there is no rubber polymer comprising 1-40 wt% of a butadiene unit and a (meth)acrylate unit as required by the amended Claims.

Therefore, the rejection of Claims 1, 4-12 and 14 under 35 U.S.C. § 102(b) as anticipated by Gallagher is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

In addition, the rejection of Claims 1-3 and 6-21 under 35 U.S.C. § 102(b) as anticipated by Hongo et al is respectfully traversed.

Hongo et al disclose the use of a butadiene polymer comprising at least 50% by weight of butadiene (col. 3, lines 56-65) which is of course much higher than 40% by weight.

Application No.: 10/088,904

Reply to Office Action of: October 3, 2003

Amendment Dated: March 3, 2004

Thus, the graft copolymer of present invention is different from the polymer of Hongo et al.

There is no disclosure or suggestion in Hongo et al to use only 40% by weight of butadiene.

Therefore, the rejection of Claims 1-3 and 6-21 under 35 U.S.C. § 102(b) as anticipated by Hongo et al is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

In addition, the rejection of Claims 4-5 under 35 U.S.C. § 103(a) over Hongo et al in view of Uemae et al is respectfully traversed.

Hongo et al fail to disclose or suggest a rubber polymer comprising 1-40 wt% of a butadiene unit and a (meth)acrylate unit as required by the amended Claims. Uemae et al do not cure this defect as they also fail to disclose or suggest a rubber polymer comprising 1-40 wt% of a butadiene unit and a (meth)acrylate unit.

Therefore, the rejection of Claims 4-5 under 35 U.S.C. § 103(a) over Hongo et al in view of Uemae et al is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

Application No.: 10/088,904  
Reply to Office Action of: October 3, 2003  
Amendment Dated: March 3, 2004

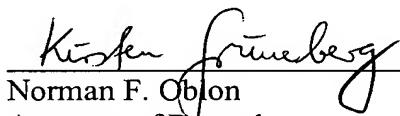
This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
NFO:KAG:

  
\_\_\_\_\_  
Norman F. Oblon  
Attorney of Record  
Registration No.: 24,618

Kirsten A. Grueneberg, Ph.D.  
Registration No.: 47,297